

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ALICE HOWELL, Independent Administrator of the Estate of JUSTUS HOWELL, deceased,	)	
	)	
	)	
Plaintiff,	)	No. 16-cv-03949
	)	
vs.	)	Judge Thomas M. Durkin
	)	
CITY OF ZION, a municipal corporation, OFFICER ERIC HILL, (#47),	)	Magistrate Judge Sidney I. Schenkier
	)	
Defendants.	)	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION TO CONTINUE THE TRIAL OF THIS CASE**

The Plaintiff moves this Court for an order continuing the trial of this case to a date no earlier than March 12, 2018. In support of this motion, Plaintiff states as follows:

1. The trial of this case is set for March 5, 2018<sup>1</sup> (Dkt. 56).
2. In this case, plaintiff's expert in firearms, ballistics, shooting reconstruction, and crime scene investigation is Ronald Scott. His testimony is necessary to the proof of plaintiff's claims against the defendant officer Eric Hill.
3. On March 5, 2018, pursuant to the command of a trial subpoena (attached to this motion as Exhibit 1) issued in the case of *Brenda Mason v. City of Lafayette*, Ronald Scott is required to appear before Magistrate Carol Whitehurst in the United States District Court, for the Western District of Louisiana, Lafayette Division. The trial in Louisiana is scheduled to begin on March 5, the same day as the trial of this case. Mr. Scott does not know the specific day of the week of March 5<sup>th</sup> through March 9<sup>th</sup> that he will be called to testify in Lafayette, Louisiana. Mr. Scott will be traveling to Lafayette from his home in Phoenix, Arizona.

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<sup>1</sup> In May 2017 -- before Plaintiff abandoned her *Monell* claims against the City of Zion, the Court set aside two weeks for trial. Plaintiff estimates that the trial of this case should now take no more than five (5) trial days.

4. Because of the conflict created by the Louisiana subpoena and because of the uncertainties about when, if at all, during the week of March 5 through March 9, Mr. Scott would be available to appear in Chicago to testify this case, plaintiff seeks a continuation of the trial for at least a week, to March 12, 2018 at the earliest.

WHEREFORE, plaintiff respectfully requests that this Court enter an order continuing the trial of this case to a date no earlier than March 12, 2018.

February 12, 2018

/s/Andrew Stroth

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*ATTORNEYS FOR PLAINTIFF*

**CERTIFICATE OF SERVICE**

I certify that on February 12, 2018, the foregoing **PLAINTIFF'S MOTION TO CONTINUE THE TRIAL OF THIS CASE** was filed electronically with the Court. Notice of this filing will be accomplished pursuant to ECF as to Filing Users and shall comply with Local Rules as to any party who is not a Filing User or represented by a Filing User. Parties may access this filing through the Court's system.

ODIM LAW OFFICES



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By      Carlton Odim  
One of the attorneys for Plaintiff

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## **EXHIBIT 1**

## UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Brenda Mason	)
Plaintiff	)
v.	)
City of Lafayette	)
Defendant	)

Civil Action No. 6:12-CV-02939

**SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTION**

To: Ronald R. Scott, 3788 North 10th Street, Phoenix, AR 85086

(Name of person to whom this subpoena is directed)

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Court - Lafayette Division 800 Lafayette Street, Lafayette, LA 337-593-5000	Courtroom No.: Magistrate Carol Whitehurst
	Date and Time: 03/05/2018 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*leave blank if not applicable*):

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01/10/2018

CLERK OF COURT

OR

Jeffery F. Speer

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (*name of party*) Brenda Mason, who issues or requests this subpoena, are:

Jeffery F. Speer, Doucet Speer, 617 St. John Street, Lafayette, LA 70501, 337-232-0405

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).